

INSTRUCTIONS TO BIDDERS

1. BIDDER'S QUALIFICATION AND INTENTION TO BID. According to Section 103D-310, Hawaii Revised Statutes, the bidder shall submit a written Notice of Intention to Bid by 4:30 P.M., 10 calendar days before the designated bid opening date (not including the bid opening date) to the Office of the Division of Purchasing, Department of Finance, County of Maui, Kalana O Maui Building, 6th Floor, 200 South High Street, Wailuku, Maui, Hawaii 96793. If the tenth day is on a Saturday, Sunday or State holiday, the Notice of Intention to Bid is due on the last working day before the due date. FAX copies of the "Intent to Bid" is acceptable provided the Division of Purchasing, Department of Finance, receives the faxed notice within the time stated above. The fax number is (808) 270-7138. It is the bidder's responsibility to ensure that the Division of Purchasing, Department of Finance receives the faxed Notice of Intent on time and in a legible condition.

In accordance with said Section 103D-310, the Director may require any prospective bidder to fill out a questionnaire regarding its qualifications.

No person, firm, or corporation may bid where (1) the person, firm, or corporation, or (2) a corporation owned substantially by the person, firm, or corporation, or (3) a substantial stockholder or an officer of the corporation, or (4) a partner or substantial investor in the firm is in arrears in payments owed to the State of Hawaii or its political subdivisions or is in default as a surety or failure to do faithfully and diligently previous contracts with the County.

2. STATEMENT OF AFFIRMATION AND ACKNOWLEDGEMENT OF DISADVANTAGED BUSINESS ENTERPRISE (DBE) REQUIREMENTS. Bidder shall execute and submit the attached "Statement of Affirmation and Acknowledgement of Disadvantaged Business Enterprise (DBE) Requirements" with its bid. Failure to execute and submit said statement shall be sufficient grounds for rejection of bid.

3. ADDENDA. Any addenda issued before the opening of proposals shall be binding upon the bidder and shall be made a part of the contract.

4. BID DOCUMENTS. The bidder shall return the borrowed bid documents in good condition within thirty (30) calendar days after the bid opening date.

5. BID AND TAX CLEARANCE REQUIREMENTS.

a. The bidder's attention is directed to Section 102 - Bidding Requirements and Conditions.

b. All bidders should submit original tax clearance certificates or certified copies from the Department of Taxation and the Internal Revenue Service with their bid proposals when the bid is \$25,000 or more. Bidders are required to provide a tax clearance prior to entering into a public contract of \$25,000 or more, pursuant to ACT 352, SLH 1997. Only an original tax clearance certificate or certified copy issued by the State Department of Taxation and the Internal Revenue Service will be accepted. Bidder's attention is directed to Section 102.20 - Tax Clearance of the Special Provisions.

c. For information on Tax Clearances, contact the Department of Taxation at (808)587-4242, 587-1455 or 587-1598 or the Internal Revenue Service at (808)541-1160 or visit the Department of Taxation's Website at <http://www.hawaii.gov/tax/tax.html>. To receive forms by mail or FAX, call (808)587-7572 or 1-800-222-7572.

6. AWARD OF CONTRACT. The bidder's attention is directed to Section 103 - Award and Execution of Contract.

7. EMPLOYMENT OF CONTRACTORS SUSPENDED BY THE COUNTY OR THE STATE. The bidder shall not submit a proposal on behalf of any Contractor suspended by the

County or the State. The successful bidder shall not subcontract any portion of the contract to any Contractor who has been suspended by the County or the State; nor shall the successful bidder hire any person on the management level of a Contractor suspended by the County or the State in order to circumvent the provisions of this paragraph. The State may void the award of or refuse to award a contract for violation of this paragraph.

8. CONTRACTOR'S LICENSE. If the contract requires the Contractor's license by law for the performance of this work, then the bidder must have the required license before the Department awards the contract for Federal-Aid projects.

9. LISTING OF JOINT CONTRACTORS AND/OR SUBCONTRACTORS. The bidder's attention is directed to the Proposal where the names of all joint Contractors and/or subcontractors including the nature of work involved, DBE status, and the contract dollar value of the subcontract must all be indicated on the forms provided. Failure to comply shall result in the rejection of the bid. The bidder must also submit a copy of the "Confirmation by DBE" for all DBE subcontractors, manufacturers and suppliers with the bid, but no later than 5 calendar days after the bid opening date. DBE credit will not be given if the confirmation sheet is not submitted within the time stated above. If no joint Contractor or subcontractor is to be engaged, the bidder must complete the form by writing "NONE" on the form. If left blank, the Department will interpret the blank as no joint Contractors and/or subcontractors will be used.

10. PENALTY FOR FRAUD, BRIBERY AND OTHER VIOLATIONS. According to Title 23 Code of Federal Regulations (C.F.R.), Chapter 1, Section 2.4, a Contractor shall be unacceptable for employment on any future highway project requiring Federal Highway Administration approval or concurrence for three (3) months to three (3) years where a clear and convincing evidence of fraud, bribery, collusion, conspiracy or other serious offense involving violation of State or Federal criminal statutes exists about said project.

11. FEDERAL-AID REQUIRED CONTRACT PROVISIONS. The bidder's attention is directed to the "Required Federal Aid Contract Provisions", "Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity", and "General Information Regarding Disadvantaged Business Enterprises (DBEs) and Regulatory Requirements for Federal Aid Projects Regarding Disadvantaged Business Enterprises (DBEs)".

12. DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION REQUIREMENTS. The Department will award this contract to the lowest responsive, responsible bidder that meets or exceeds the DBE goal or satisfies the County of Maui, Department of Public Works and Waste Management (County) that "good faith" efforts were taken in accordance with 49 CFR Part 26.

Prospective prime bidders are advised that the County must certify their prospective subcontractors, manufacturers and suppliers as DBEs (for those claiming DBE status) by the bid opening date. The Department advises the prime bidders to encourage their prospective subcontractors, manufacturers and suppliers to submit their application for certification as eligible DBE as early as possible, well before bid opening. Application forms may be obtained from the County's DBE Liaison Officer and are to be completed, properly executed, and returned.

13. AWARD OF CONTRACT. The award of the contract is based upon the availability of funds.

14. PAYMENT FOR GOODS AND SERVICES. Payment for goods and services shall be made according to Section 103D-310, HRS. The time of payment is contingent upon the receipt of Federal funds.